

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554**

In the Matter of

Rules and Regulations Implementing
Minimum Customer Account Record
Exchange Obligations on All Local and
Interexchange Carriers

CG Docket No. 02-386

COMMENTS OF BELL SOUTH CORPORATION

BELL SOUTH CORPORATION

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EXECUTIVE SUMMARY

BellSouth applauds the Commission's recent adoption of mandatory minimum standards governing the exchange of customer account information between local exchange carriers ("LECs") and interexchange carriers ("IXCs") when an end user selects or changes its preferred long distance carrier (also known as "preferred interexchange carrier" or "PIC"). By establishing these minimum information exchange standards in the context of PIC changes, the Commission has made clear that sharing necessary customer information among providers is essential to ensuring that end-users' requests are honored and executed without delay and that end-users' phone bills are accurate.

The Commission's *Further Notice of Proposed Rulemaking* ("*Further Notice*") is a logical next step in the Commission's efforts to promote competition and protect consumers. The *Further Notice* seeks comment on the need for minimum information exchange standards when a customer seeks to change from one local service provider to another. As BellSouth has explained previously in this proceeding, the timely exchange of accurate customer information among providers is no less important when an end user is switching his local service provider ("LSP") than when he is changing his long distance provider. Despite the need for end-user account information in order to effectuate local service provider changes (also known as "local service migrations"), many LSPs, including BellSouth, often receive incomplete, untimely, and, in some instances, no information at all from the old service provider. To ensure that all consumers are able to change LSPs easily and without undue delay, BellSouth urges the Commission to establish minimum uniform information exchange standards applicable to all local service migrations. By mandating such standards, the Commission will ensure that

consumers receive the flexibility and benefits afforded by competition in the local exchange market as well as minimize customer confusion and complaints.

Specifically, BellSouth proposes that the Commission take the following actions. *First*, the Commission should adopt standards that parallel those that have been created for the exchange of customer account information between incumbent local exchange carriers (“ILECs”) and competitive local exchange carriers (“CLECs”) in the Local Service Migration Guidelines (“Guidelines”) established by the Ordering and Billing Forum (“OBF”) of the Alliance for Telecommunications Industry Solutions (“ATIS”). These Guidelines are the result of a collaborative effort by various ILECs and CLECs and should serve as the basis for any information exchange standards adopted by the Commission in this proceeding.

Second, should the Commission establish minimum information exchange standards for local service migrations as proposed by BellSouth, it should refrain from adopting specific performance metrics to ensure compliance with these standards. Not only would the Commission’s existing enforcement authority be sufficient to protect consumers and LSPs, but also mandating performance measures for the exchange of customer account information for local-to-local migrations would be premature. If, after the rules have been in place for some time, and there is evidence of problems with LSPs’ timeliness or other compliance involving local service migrations that results in negative impacts to customers, the Commission can revisit the issue.

Third, the Commission should not mandate a particular format or transmission medium for the exchange of customer account information. The Commission did not adopt such a mandate in the *CARE Order*, and it should take the same approach here. It is much more effective for the Commission to establish minimum uniform standards for the exchange of

customer account information for all local service migrations rather than dictate a specific format or transmission medium. This approach helps ensure the timely exchange of accurate and reliable information without imposing unnecessary expense and burden on carriers, especially small and rural carriers.

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BellSouth Corporation, by counsel and on behalf of itself and its wholly owned subsidiaries (collectively “BellSouth”), respectfully submits these comments in response to the *Further Notice of Proposed Rulemaking* (“*Further Notice*”) in the above captioned proceeding.¹

I. INTRODUCTION

BellSouth commends the Commission on its issuance of the *Further Notice*, which is the next logical step in promoting competition among multiple local service providers (“LSPs”) by ensuring that consumers’ phone service bills are accurate and that their carrier selection requests are honored and executed without undue delay.² The Commission has already determined that

¹ *Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers*, CG Docket No. 02-386, *Report and Order and Further Notice of Proposed Rulemaking*, 20 FCC Rcd 4560 (2005) (“*CARE Order*” or “*Further Notice*”).

² *CARE Order*, 20 FCC Rcd at 4562, ¶ 2 (adopting rules and requirements facilitating the exchange of customer account information between local exchange carriers (“LECs”) and interexchange carriers (“IXCs”) and establishing carriers’ responsibilities with respect to such exchanges). Throughout this pleading, BellSouth refers to both incumbent and competitive LECs (“ILECs” or “CLECs”) as “local service providers” (“LSPs”).

“consumers are significantly impacted when carriers fail to communicate.”³ Timely and accurate carrier-to-carrier communication in the context of consumer choice will assure that LSP customers enjoy the same benefits that customers of long distance service receive as a result of the Commission’s recently promulgated rules establishing LEC and IXC customer account record exchange (“CARE”) and notification requirements.⁴

At the core of the Commission’s newly adopted CARE rules is the requirement that carriers provide required data “promptly and without unreasonable delay.”⁵ This requirement applies to consumers’ local service accounts, even if the changes do not affect the customer’s choice of an IXC.⁶ Thus, the Commission has already found that LSPs must notify the customer’s “preferred” IXC (or “PIC”) of the customer’s change in LSPs, regardless of whether the customer also changes its PIC.⁷ By mandating minimum standards of timely information exchange between LSPs, the Commission will ensure that consumers will receive the flexibility and benefits afforded by competition in the local exchange and interexchange service markets alike.

The Commission, through its Section 271 and Section 251 authority, has already established a comprehensive framework of customer account record exchange requirements applicable to a Bell Operating Company (“BOC”) when customers seek to obtain local service from non-BOC LSPs. Thus, non-BOC LSPs are not required to participate in the exchange of customer account information, even though the customers of non-BOCs experience many of the same difficulties regarding access to customer account information and carrier-to-carrier

³ *Id.* at 4568, ¶ 18.

⁴ 47 C.F.R. § 64.4000 *et seq.*

⁵ *Id.* § 64.4004 (“Timeliness of required notifications”).

⁶ *CARE Order*, 20 FCC Rcd at 4578-79, ¶¶ 50-55.

⁷ *Id.* at 4579, ¶ 54.

communication that IXC's did and which led to the Commission's adoption of its *CARE Order*.

Interexchange service consumers are also local service consumers and therefore are

"significantly impacted"⁸ in the exact same way with respect to local service that they were impacted prior to the Commission's establishment of its recent CARE rules.

The natural next step for this Commission, then, is to establish standards for the exchange of minimum customer information among all LSPs so that all consumers (regardless of whether their current LSP is a BOC) can switch as easily between LSPs as they can between IXC's. The adoption of minimum standards will enable consumers to avail themselves of all available choices in the telecommunications marketplace. In the following comments, BellSouth provides the Commission with specific data and information requested in the *Further Notice* in order to allow the Commission to establish rules that will assure consumer choice and minimize consumer complaints.

II. TIMELY EXCHANGE OF END-USER ACCOUNT INFORMATION BETWEEN LSPS IS CRITICAL IF CUSTOMERS ARE TO BE ABLE TO CHANGE SERVICE PROVIDERS EASILY.

A newly chosen LSP⁹ must receive certain account information from an end-user customer's former LSP¹⁰ in order to change the customer's service, a process referred to as "local service migration." At a minimum, the customer's Old LSP must acknowledge and confirm the migration date requested by the New LSP. Coordination and cooperation between competing LSPs in the context of customer-initiated changes in service providers is in the public interest because it is the only way to ensure that end-user customers' expectations for timely, transparent and seamless local service migration are met.

⁸ See *supra* note 3.

⁹ Sometimes referred to as the "New LSP."

¹⁰ Sometimes referred to as the "Old LSP."

BellSouth, in its normal course of business, monitors and records LSP activity in key areas that impact local service migrations. The data BellSouth has collected demonstrates the need for uniform, minimum local service migration standards in order to: (1) maximize the quality of the local service migration process for end-user customers; and (2) discourage LSP behaviors that may impede local service migrations, and, consequently, competition. During 2005, for example, BellSouth has experienced problems on the part of certain competitive LSPs with customer service record (“CSR”)¹¹ responses and local service request (“LSR”)¹² responses as follows:

A. CSR Response Times

When an end-user customer chooses a new LSP, the New LSP will request that customer’s CSR from the end-user customer’s Old LSP so the New LSP can initiate the carrier-to-carrier aspect of local service migration. This step is essential in obtaining information critical to the migration process because the New LSP must have the CSR information before it can prepare the LSR that must be sent to the Old LSP to migrate the end-user customer. During the period January 2005 through May 2005, 6.5% of the CSR requests submitted by BellSouth to Old LSPs were never answered.¹³ During this same period, over 31% of BellSouth’s CSR requests submitted to Old LSPs took three calendar days or longer before BellSouth was provided the necessary CSR to complete the end-user customers’ request for service.¹⁴

To understand the relevance of these timeframes, consider the standards that BellSouth must meet as the Old LSP when an end-user customer chooses a New LSP to provide local

¹¹ A CSR is an inventory of information maintained by an end-user’s service provider detailing the specific services, features and configurations of the end-user’s telephone service. ATIS Guidelines, Issue 1, ATIS-0405300-0001, § 12 (Oct. 28, 2004).

¹² Interconnecting carriers order local service through a set of uniform order request forms, collectively known as a “Local Service Request” or LSR. *Id.*, § 3.1.

¹³ Affidavit of Faye Renfroe (attached) (“Renfroe Aff.”), ¶ 6.

¹⁴ *Id.*

service. The Georgia Public Service Commission (“PSC”), for example, requires BellSouth to provide CSR information to New LSPs within two seconds of the time CSR information is available to BellSouth’s own retail organization.¹⁵ This standard results in BellSouth responding to CSRs within a few seconds and, although stringent, it is rarely missed. Even when this standard is missed, the responses are still usually sent within seconds. Similar requirements exist throughout BellSouth’s region. The speed with which BellSouth is able to provide CSR responses is due to the extensive mechanization of its operations support systems (“OSS”). While BellSouth is not advocating that the Commission require all LSPs to mechanize their OSS in order to submit CSR requests and receive responses electronically, it does believe strongly that CLECs should provide necessary CSR data to other LSPs (including ILECs) much more promptly than they do today.

Given that all consumers of local phone service deserve to have their requests to switch providers honored in a timely and seamless manner, it would not be unreasonable to establish a 24-business hour¹⁶ interval by which CLECs must respond to CSR requests from other LSPs. As indicated above, BellSouth typically responds to electronic CSR requests within seconds. Notwithstanding the stringent standards for CSR responses imposed upon BellSouth and other BOCs by state commissions, BellSouth is not asking the Commission to hold CLECs to these same standards. A 24-business hour interval is reasonable because it does not require CLECs to invest in mechanized systems to meet this timeframe. Nevertheless, it does establish a parameter that would minimize the delays that customers often experience today when trying to switch local service from a CLEC to another LSP.

¹⁵ During the period January 2005 through May 2005, the standard that BellSouth had to meet for responding to CSR requests from CLECs was 2.75 seconds.

¹⁶ Twenty-four (24) business hours is equivalent to approximately two and a half to three business days.

B. LSR Response Times

To initiate a local service migration of an end-user customer from its Old LSP to its New LSP, the New LSP must submit a local service request to the end-user customer's Old LSP. The Old LSP must then respond acknowledging receipt and acceptance of the LSR to migrate the end-user customer, or respond rejecting/clarifying the LSR due to inaccurate or incomplete information. In BellSouth's experience, CLECs frequently fail to provide timely responses to LSRs submitted by BellSouth, thereby preventing or delaying end-user customers from receiving the service they have requested. During the period January 2005 through May 2005, 39.9% of LSRs sent by BellSouth as the New LSP to Old LSPs went unanswered for three days or longer.¹⁷ Stated in terms of "significant customer impact,"¹⁸ this statistic translates to 21,817 end-user customer lines that were unreasonably delayed when migrating their local service from the end-user customers' Old LSPs to BellSouth.¹⁹

Again, for purposes of comparison, consider the performance standards established by the Georgia PSC governing BellSouth's responses to LSRs submitted by CLECs to BellSouth. If BellSouth receives an LSR that is processed electronically and an error is detected, it must send a reject notice within one hour for 97% of such LSRs. If the LSR is error free, the standard for returning a firm order confirmation ("FOC") is 95% within three hours. If BellSouth receives the LSR via non-mechanized methods (which typically means a fax), it must provide a response,

¹⁷ Renfroe Aff., ¶ 7.

¹⁸ *CARE Order*, 20 FCC Rcd at 4568, ¶ 18.

¹⁹ See Renfroe Aff., Exhibit 1 at 2. Of these 21,817 customer lines, the LSR response times and number of affected customer lines were as follows: (1) three to four days for 8,385 customer lines; (2) five to six days for 5,722 customer lines; (3) seven to ten days for 4,285 customer lines; (4) 11 to 15 days for 1,890 customer lines; (5) 16 to 20 days for 636 customer lines; and (6) 21 to 30 days for 899 customer lines.

whether it is a “reject” or a FOC, within 24 business hours for 95% of such non-mechanized LSRs.

As the above figures demonstrate, in order to honor customers’ local service change requests in a timely manner, it is critical not only for the Old LSP to provide the New LSP with CSR account information in a uniform and timely manner, but also for the Old LSP to provide the New LSP with clarifications to, or confirmations of, the LSR in a uniform and timely manner.²⁰ It is equally important that, in all cases, the Old LSP provide the New LSP with current business rules for exchanging account information and submitting LSRs. The business rules provide the Old LSP with the information necessary to ensure that requests are processed accurately and efficiently. The lack of such information translates into numerous end-user customers who frequently do not receive seamless and timely migrations of local service.²¹ Instead, consumers experience extended delays in establishing new service, and they may “blame” the New LSP even though the Old LSP has failed to provide the information required by the New LSP in order to complete the customer’s request for local service.²²

C. All Customers Deserve to Have Their Local Service Provider Change Requests Processed in a Timely and Seamless Manner.

When an end-user customer’s New LSP contacts BellSouth, BellSouth, in its capacity as that customer’s Old LSP, timely provides both CSR and LSR responses to the New LSP. BellSouth’s timely provision of end-user account information in turn provides New LSPs with

²⁰ Letter from Mary L. Henze, Assistant Vice President, Federal Regulatory, BellSouth Corporation, to Marlene Dortch, Secretary, FCC, CG Docket No. 02-386, at 4 (Oct. 29, 2004) (“BellSouth Oct. 29 *ex parte*”).

²¹ *Id.*

²² *Id.* See also Letter from Mary L. Henze, Assistant Vice President, Federal Regulatory, BellSouth Corporation, to Marlene Dortch, Secretary, FCC, CG Docket No. 02-386, at 7-15 (Sept. 24, 2004).

the ability to process end-user customer requests to switch their service from BellSouth to a New LSP in a timely and seamless manner. The level of service that end-user customers experience within the context of local service migrations away from BellSouth has created expectations in the market that all local service migrations among LSPs, including those to BellSouth, will occur just as timely and as seamlessly. Ironically, BellSouth's established standard of performance in its capacity as the Old LSP in the context of customer migrations to other LSPs likely creates a consumer perception that it was the New LSP that provided the service that enabled the migration to be successful and timely. On the other hand, a customer migrating its service to BellSouth may perceive that BellSouth, as the New LSP, cannot provide similar service levels, even though migration delays are caused by substandard performance levels of the customer's Old LSP. All customers deserve to have the same level of service when changing LSPs, and all LSPs are entitled to rely on other LSPs to cooperate and coordinate in effecting local service migrations.

The public service commissions in each of the nine states in which BellSouth provides local exchange service have established standards for both CSR and LSR response intervals to which BellSouth is held accountable when it is the Old LSP. These standards are enforced by self-effectuating enforcement mechanisms. BellSouth also is subject to formal complaints by competitive LSPs. As demonstrated above, the standards to which BellSouth is held to facilitate customer migrations away from BellSouth are orders of magnitude more stringent than the rate at which Old LSP CSR and LSR responses are typically provided to BellSouth.²³

Indeed, the standards for CSR and LSR responses mentioned above were established by the Georgia PSC following a series of collaborative workshops and technical filings in which the

²³ See *supra* text at pp. 4-7.

participating LSPs stressed the importance of receiving CSR information and LSR responses from BellSouth in a timely manner. These standards are representative of those in the other states in BellSouth's region, and are similar to performance standards for CSR and LSR response intervals applicable to ILECs in most, if not all, other states in the nation. The fact that CSR and LSR responses are measured by state regulatory commissions throughout the nation indicates that the receipt of this information is something that is important to the LSP and, ultimately, to the end-user customer.

Notwithstanding the existence of these state-adopted standards, they do not address circumstances in which BellSouth or another ILEC is selected as the New LSP. All New LSPs, regardless of whether they are BOCs, ILECs, or CLECs, are dependent upon timely and accurate customer information and notifications from Old LSPs, and no LSP or LSP end-user customer should be disadvantaged by delays in the exchange of critical customer account information. Thus, to minimize the harm to consumers and the competitive inequities that result from the failure of Old LSPs to provide timely CSR or LSR responses, the Commission should adopt mandatory minimum customer information exchange standards applicable to all LSPs for local service migrations.

III. MANDATORY, MINIMUM STANDARDS ARE NEEDED TO FACILITATE THE EXCHANGE OF CUSTOMER ACCOUNT INFORMATION BETWEEN LSPS IN A TIMELY AND EFFICIENT MANNER.

The Commission should mandate the timely exchange of minimum customer account information between LSPs because it has already found that "consumers are significantly impacted when carriers fail to communicate."²⁴ When LSPs fail to communicate or to exchange

²⁴ *CARE Order*, 20 FCC Rcd at 4568, ¶ 18.

customer account information in a timely and uniform manner in the local service migration context, there are significant negative customer implications.

As shown above, BellSouth has experienced instances in which Old LSPs do not provide complete and timely customer account information – and in some instances, provide no information at all – when end-user customers seek to switch their local service from an Old LSP to BellSouth. This poor performance by Old LSPs has resulted in increased incremental calls to and from end-user customers to request information critical to the change of their LSP. In addition, customers may experience double billing, delays in the change of their LSP, and at times even a temporary loss of service for varying durations. The bottom line customer impact is one of profound negativity, creating frustration and confusion when end users attempt to migrate their local service to BellSouth.

In order to minimize such negative customer impacts, BellSouth urges the Commission to require all local service providers (including CLECs) to comply with minimum standards for the exchange of customer record information to facilitate local service migrations. These standards should parallel those that have been created for the exchange of information between ILECs and CLECs in the Local Service Migration Guidelines established by the Ordering and Billing Forum (“OBF”) of the Alliance for Telecommunications Industry Solutions (“ATIS”).²⁵ ATIS develops and promotes technical and operational standards for communications and related information

²⁵ Sponsored by ATIS, the OBF was formed in 1985 and provides a forum for representatives from the telecommunications industry to identify, discuss and resolve national issues which affect ordering, billing, provisioning, and the exchange of information about access service, or other connectivity and related matters. To address issues with local service migrations, the Local Service Migrations Team (“LSMT”) was formed as a subcommittee of OBF’s Local Service Ordering and Provisioning Committee (“LSOP”). The LSMT was responsible for developing guidelines for local service migrations and was comprised of participants from ATIS member and non-member companies. Beginning in August 2003, participants initiated efforts to create the *Local Service Migrations Guidelines, Issue 1*, which became final (meaning that consensus has been reached on an issue resolution, and the industry should consider timely implementation of the recommendation) during the October 2004 OBF meeting, which attracted 88 participants.

technologies, and its member companies represent all segments of the telecommunications industry.²⁶ Both CLEC and ILEC LSPs participated in the Local Service Migration task force, including AT&T (local), Choice One, MCI Metro, BellSouth, Verizon, SBC and Sprint Local.²⁷ The Guidelines established by this task force are the result of a collaborative effort and should serve as the basis for any information exchange standards adopted by the Commission in this proceeding.

BellSouth proposes that any standards adopted by the Commission, at a minimum, include the following:

1. *Timely CSR Response.* At a minimum, a 24 business-hour response interval by the customer's Old LSP for CSRs received via facsimile or e-mail. On-line or near real-time electronic access should be encouraged when economically and technically feasible.
2. *Provision of minimum CSR information in accordance with the Guidelines.* The Guidelines call for the provision of the following information:
 - A. Account level information
 - Billing telephone number, complete service name and address (including floor, suite, etc.)
 - Complete billing name and address (where required by state regulatory guidelines)
 - Directory listing information including address, listing type, etc. when requested
 - B. Line level information

²⁶ *CARE Order*, 20 FCC Rcd at 4563, ¶ 5.

²⁷ Letter from Mary L. Henze, Assistant Vice President, Federal Regulatory, BellSouth Corporation, to Marlene Dortch, Secretary, FCC, CG Docket No. 02-386, at 2 (Oct. 1, 2004). Indeed, AT&T initially proposed and sponsored the Local Migration project. *Id.*

- Working telephone number(s)
 - Current preferred interexchange carrier for interLATA and intraLATA toll calls, including freeze status
 - Local service freeze status, if applicable
 - All vertical features (*e.g.*, custom calling, hunting, etc.) and options (*e.g.*, Lifeline, 900 blocking, toll blocking, remote call forwarding, off-premises extensions, etc.)
 - Service configuration information (*e.g.*, resale, UNE-P, unbundled loop)
 - Identification of any services on the end user's line (*e.g.*, line splitting, Internet service, etc.)
 - Exchange Carrier Circuit ID ("ECCKT") with associated telephone number when available and eligible for reuse
3. *Timely return of Rejects/Clarifications and FOCs from the customer's Old LSP upon receipt of an LSR from the New LSP.* Consolidated, rather than serial, clarifications should be provided, where feasible, in order to avoid delay.²⁸ For example, if an LSR is clarified and contains multiple errors, the clarification should list all errors on the LSR rather than on separate clarifications for each error. Separate clarifications result in additional processing time and delays in meeting the customer's expected date for the change in LSPs.
4. *Reasonable due date intervals by the Old LSP for the completion of the end-user customer's change of local service.* (For example, three days for non-designed loops).
5. *Establishment and publication of consistent, complete, and reasonable business rules and other information by all LSPs to ensure that requests are processed accurately and*

²⁸ *Further Notice*, 20 FCC Rcd at 4588, ¶ 80 (asking whether a carrier should be required to identify all errors at once, rather than serially, in order to avoid delays).

efficiently, preferably on-line. The business rules should be clearly organized and readily accessible.

6. *A requirement that all LSPs establish a reasonable change management process for issues affecting local service migrations.* This process should provide LSPs with the ability to achieve timely implementation of reasonable requests for changes to electronic and manual processes that impact the New LSP's ability to process a migration request. This change management process should be well documented, clearly organized and readily accessible, preferably on-line.
7. *Adherence to industry standards, procedures, and rules for local number portability ("LNP") and preferred provider freeze (or local service freeze), such as those that have been established by The North American Numbering Council ("NANC"), Number Portability Administration Center ("NPAC"), the Commission, and state regulatory commissions.*

IV. ALL LSPS SHOULD BE SUBJECT TO THE RULES ESTABLISHED BY THE COMMISSION.

The Commission should act immediately to establish minimum uniform information exchange standards applicable to all local service migrations. An end-user customer's incentive to change providers should not be influenced by inconsistent local service migration experiences, and thus should not be influenced by whether the LSP is an ILEC or CLEC, large or small, or whether different processes are used to change from one provider to another. Regrettably, these factors negatively influence customers' choices every day, because of the inconsistency in the local service migration experiences between LSPs. Among LSPs, widely diverse procedures governing the exchange of customer information for local service migrations, and often the very absence of procedures, inhibit the end-user customer's ability to switch between LSPs when a

customer chooses to do so. End-user customers will continue to be disadvantaged until all providers operate under certain minimum uniform standards applicable to all local service migrations. Accordingly, the Commission can and should require compliance with minimum uniform standards for exchanging customer information between LSPs.

Timely access to accurate and complete CSR information plus timely and accurate responses to LSRs by the Old LSP would reduce the majority of problems associated with local service migrations. On-line electronic access to CSRs is preferable, or at a minimum, a 24-business hour interval for customer service record retrieval by facsimile or e-mail (when on-line electronic access is not available). The 24-business hour interval is a reasonable business practice that would accommodate the needs of LSPs that are operating as small businesses and do not have the capital to implement mechanized systems.

BellSouth believes that neither the states, nor this Commission, should adopt specific performance metrics designed to ensure compliance with the minimum standards otherwise established by the Commission in this proceeding. The Commission recently declined to adopt performance measurements for the exchange of information between LECs and IXC's in the *CARE Order*, even though it held that the timely transmission of account information between carriers is essential to ensuring that customer requests are honored and that they are processed without undue delay.²⁹ The Commission refused to adopt more specific timeliness measures due to the widely divergent proposals in the record and its finding that it would be premature to establish mandated timeframes before the Commission had an opportunity to observe the level of carrier performance and compliance.³⁰

The Commission should take the same approach in the context of local service migrations. In the first place, there is no need to establish performance standards for the local-to-

²⁹ *Care Order*, 20 FCC Rcd at 4582, ¶ 61.

³⁰ *Id.*

local migration process at this time, because existing regulatory enforcement authority should be sufficient to protect consumers and LSPs should the Commission adopt the minimum standards proposed by BellSouth. As with the federally-required LEC-to-IXC notifications, BellSouth believes that mandating performance measures would be premature for the exchange of minimum customer information for local-to-local migrations. The Commission should first allow LSPs time to implement and adjust to any new local-to-local requirements. If, after the rules have been in place for some time, and there is evidence of problems with LSPs' timeliness or other compliance involving local service migrations that result in negative impacts to customers, the Commission can revisit the issue.³¹

Nor should the Commission mandate a particular format or transmission medium, such as CARE, with respect to the Guidelines' data exchanges.³² In the *CARE Order*, the Commission did not require such a mandate. Nor did it preclude carriers from arranging with other entities to provide the required notifications on their behalf.³³ By focusing on information exchanges in particular circumstances rather than on mandating specific formats or transmission mediums for those exchanges, the Commission minimized the potential costs or burdens associated with implementing the data exchange requirements on small and rural carriers.³⁴ It should take the

³¹ To the extent this Commission or any state adopts performance metrics to ensure compliance with any local service migration customer record exchange requirements, these requirements must apply to all local service providers.

³² While BellSouth does not support a Commission mandate that all LSPs use a particular format for the exchange of end-user account information for local service migrations, it does urge the Commission to "continue[] to encourage the use of industry standards" for the submission of LSRs just as it has done in prior rulings. See *Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York*, CC Docket No. 99-295, *Memorandum Opinion and Order*, 15 FCC Rcd 3953, 3992-93, ¶ 88 (1999); *Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., And BellSouth Long Distance, Inc for Provision of In-Region, InterLATA Services In Georgia and Louisiana*, CC Docket No. 02-35, *Memorandum Opinion and Order*, 17 FCC Rcd 9018, 9294-95, App. D, ¶ 30 (2002).

³³ *CARE Order*, 20 FCC Rcd at 4581, ¶ 59.

³⁴ *Id.*

same approach here by declining to require any specific format or transmission medium, and encouraging voluntary use of existing processes and the Guidelines.

The Commission, of course, has already established the basic regulatory model advocated by BellSouth in the context of its recent *CARE Order*. In that order, the Commission established mandatory, minimum standards governing the exchange of customer account information between LECs and IXC, without prescribing the use of a particular notification format or medium for the transfer of customer account information.³⁵ The Commission further required carriers to provide the required notifications promptly and without unreasonable delay, while exercising reasonable efforts to ensure that the required data transmissions are complete and accurate.³⁶

The Commission adopted a similar conceptual approach when it established rules governing local number portability. Although faced with a variety of competing proposals for number portability architectures, the Commission instead established minimal and general performance criteria that any local exchange carrier number portability architecture must meet.³⁷ The Commission believed that such an approach would ensure an appropriate level of national uniformity, while maintaining flexibility to accommodate innovation and improvement.³⁸ A

³⁵ *Id.* at 4566, ¶ 12.

³⁶ *Id.*

³⁷ *Telephone Number Portability*, CC Docket No. 95-116, RM 8535, *First Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 8352, 8377-85, ¶¶ 46-63 (1996). These original minimal performance criteria required that any number portability method (1) support existing network services, features, and capabilities; (2) efficiently use numbering resources; (3) not require end users to change their telecommunications numbers; (4) not require telecommunications carriers to rely on databases, other network facilities, or services provided by other telecommunications carriers in order to route calls to the proper termination point; (5) not result in unreasonable degradation in service quality or network reliability when implemented; (6) *not result in any degradation of service quality or network reliability when customers switch carriers*; (7) not result in a carrier having a proprietary interest; (8) be able to accommodate location and service portability in the future; and (9) have no significant adverse impact outside the areas where number portability is deployed. *Id.* at 8378, ¶ 48 (emphasis added).

³⁸ *Id.* at 8377, ¶ 47.

cornerstone of the minimum criteria was the requirement that any number portability method selected by a local exchange carrier “not result in any degradation of service quality . . . when customers switch carriers.”³⁹ In explaining this requirement, the Commission noted that “[c]onsumers, both business and residential, have . . . come to expect a certain level of quality and convenience in using basic telecommunications services.”⁴⁰

The Commission should follow the same approach here. Consumers’ expectations for seamless local service migrations have been set by the requirements imposed on BOC LSPs by this Commission, and by state commissions, since passage of the Telecommunications Act of 1996.⁴¹ The Commission has already found that consumers are significantly impacted when carriers fail to communicate in the context of a customer switching telecommunications service providers, and that, in these circumstances, certain mandatory minimum federal standards are needed.⁴² As a matter of fair competition policy, the Commission should mandate comprehensive minimum information exchange standards governing local service migrations.

The Commission’s legal authority to establish uniform minimum rules for local service migration is clear. The Telecommunications Act grants the Commission general rulemaking authority in all areas affecting local competition.⁴³ The Commission has already recognized that, “national rules will greatly reduce the need for small carriers to expend their limited resources securing their right to interconnection, services, and network elements to which they are entitled under the 1996 Act.”⁴⁴ The rules established by the Commission should create a foundation for local competition to flourish by requiring LSPs to operate in a uniform manner.

³⁹ *Id.* at 8378, ¶ 48.

⁴⁰ *Id.* at 8382, ¶ 55.

⁴¹ BellSouth Oct. 29, 2004 *ex parte* at 6-10.

⁴² *CARE Order*, 20 FCC Rcd at 4568-69, ¶¶ 18-19.

⁴³ *AT&T v. Iowa Utils. Bd.*, 525 U.S. 366, 378 (1999) (“We think that the grant in § 201(b) means what it says: The FCC has rulemaking authority to carry out the ‘provisions of this Act,’ which include §§ 251 and 252, added by the Telecommunications Act of 1996”).

⁴⁴ *Implementation of the Local Competition Provisions in the Telecommunications Act of*

These rules would not necessarily preclude states from adopting more specific requirements tailored to support local competition. While preemption of inconsistent state requirements is always a theoretical possibility, the federalist construct of the Telecommunications Act certainly permits the coexistence of federal and state requirements addressing local service migration. Generally, inconsistent state local service migration requirements should be considered for preemption on a case-by-case basis, except to the extent that the state requirement frustrates the federal requirement by prohibiting the exchange of minimum customer account information, or conflicts with industry standards and procedures.⁴⁵ By simply mandating the timely exchange of minimum customer information that is required to switch LSPs, the Commission will likely solve most of the problems end-user customers currently encounter when changing providers.⁴⁶

V. CONCLUSION

End-user customers should not be deterred from changing LSPs because their current provider cannot ensure a local service migration that is both seamless and timely. Accordingly,

1996; Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers, CC Docket Nos. 96-98 & 95-185, *First Report and Order*, 11 FCC Rcd 15499, 15531, ¶ 61 (1996).

⁴⁵ Preemption of a state's more restrictive requirements might be warranted if a state: (1) promulgates rules effectively prohibiting or restricting the exchange of minimum customer account information; or (2) establishes rules that conflict with industry standards which the Commission may have encouraged the industry to follow. The possibility of inconsistent state action in this area does not require the Commission to mandate the use of particular CARE codes for local-to-local migration, as BellSouth advises against, above. Instead, the Commission should simply mandate the timely exchange of minimum customer information that is required to switch LSPs, which, in turn, will solve most of the problems end-user customers currently encounter when changing providers.

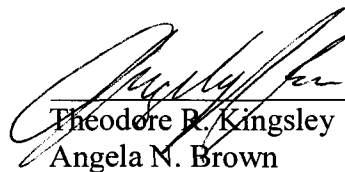
⁴⁶ BellSouth's experience in Florida shows that it can be time-consuming to proceed on a state-by-state basis. Participants in the Florida Public Service Commission's Telecommunications Competitive Issues Forum are developing end-user migration ("EUM") rules. The participants, including BellSouth, began discussion in the summer of 2002. As of today, the participants have not finalized the EUM rules and the last meeting was held on June 22, 2004. No other states in BellSouth's territory have established minimum guidelines for the exchange of end-user customer account information.

the Commission should require all LSPs to comply with the timely exchange of the minimum customer account information necessary to ensure the seamless and timely migration of end-user customers between LSPs in order to promote competition, facilitate consumer choice, and minimize anti-competitive behavior by LSPs.

Respectfully submitted,

BELLSOUTH CORPORATION

By:



Theodore R. Kingsley
Angela N. Brown

Its Attorneys

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Dated: July 18, 2005

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Rules and Regulations Implementing
Minimum Customer Account Record
Exchange Obligations on All Local and
Interexchange Carriers

CG Docket No. 02-386

AFFIDAVIT OF FAYE RENFROE

1. My name is Faye Renfro. I am employed by BellSouth Telecommunications, Inc. ("BellSouth") as an Area Manager in the Network Organization. My business address is 754 Peachtree Street, Atlanta, Georgia 30375. In this position, I provide staff and process support for certain functions related to the provisioning of BellSouth local service when end-user customers request to change their local service from another local service provider to BellSouth. My professional career with BellSouth spans over 30 years and includes various positions of increasing responsibility. I have been involved in the migration of end users to BellSouth Retail for the past five years.

2. The purpose of this affidavit is to provide data regarding the response times of local service providers ("LSPs") when handling end-users' requests to change their local service to BellSouth. This data was captured in the normal course of business when BellSouth was selected by an end user as its new local service provider ("New LSP").

3. Two categories of data were collected: (1) Customer Service Record ("CSR")¹ response intervals and (2) Local Service Request ("LSR")² response intervals.

¹ A CSR is an inventory of information maintained by an end-user's service

(See Exhibit 1) The CSR response information was obtained by collecting data from BellSouth Retail Local Number Portability (“LNP”) service orders issued from January 2005 through May 2005. The CSR response intervals were calculated by determining the number of calendar days between the time when BellSouth submitted a CSR request to an Old LSP and BellSouth received CSR information from that Old LSP.

4. LSR response information was obtained from data captured in BellSouth’s End-User Migration Toolkit. The End-User Migration Toolkit is an application that captures LNP service orders and creates, assigns, loads and tracks provisioning tasks for BellSouth Retail LNP orders. The LSR response information was obtained from service orders handled by this application from January 2005 through May 2005. The intervals were calculated by determining the number of calendar days between the time BellSouth submitted an LSR to an Old LSP and BellSouth received the first response, firm order confirmation (“FOC”) or reject, from the Old LSP.

5. An analysis of the data collected above and set forth in Exhibit 1 is as follows:

6. **CSR Response Times.** When an end-user customer chooses a new LSP, the New LSP will request that customer’s CSR from the end-user customer’s Old LSP so the New LSP can initiate the carrier-to-carrier aspect of local service migration. This step is essential in obtaining information critical to the migration process because the New LSP must have the CSR information before it can prepare the LSR that must be sent to the Old LSP in order to migrate the end-user customer. During the period January 2005 through May 2005, 6.5% of the CSR requests submitted by BellSouth to Old LSPs

provider detailing the specific services, features and configurations of the end-user’s telephone service. ATIS Guidelines, Issue 1, ATIS-0405300-0001, § 12 (Oct. 28, 2004).

² Interconnecting carriers order local service through a set of uniform order request forms, collectively known as a “Local Service Request” or LSR. *Id.*, §3.1.

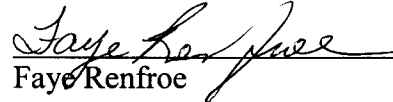
were never answered. During this same period, over 31% of BellSouth's CSR requests submitted to Old LSPs took three calendar days or longer before BellSouth was provided the necessary CSR to complete the end-user customers' request for service. (*See Exhibit 1 at 1*).

7. **LSR Response Times.** To initiate a local service migration of an end-user customer from its Old LSP to its New LSP, the New LSP must submit a local service request to the end-user customer's Old LSP. The Old LSP must then respond acknowledging receipt and acceptance of the LSR to migrate the end-user customer, or respond rejecting/clarifying the LSR due to inaccurate or incorrect information. During the period January 2005 through May 2005, 39.9% of LSRs sent by BellSouth as the New LSP to Old LSPs went unanswered for three days or longer. This statistic translates to 21,817 end-user customer lines that were delayed for three days or more when migrating their local service from the end-user customers' Old LSPs to BellSouth.³

³ Exhibit 1 at 2. Of these 21,817 customer lines, the LSR response times and number of affected customer lines were as follows: (1) three to four days for 8,385 customer lines; (2) five to six days for 5,722 customer lines; (3) seven to ten days for 4,285 customer lines; (4) 11 to 15 days for 1,890 customer lines; (5) 16 to 20 days for 636 customer lines; and (6) 21 to 30 days for 899 customer lines.

8. This concludes my affidavit.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Faye Renfro
Area Manager
BellSouth Network Operations

Subscribed and sworn to before me

This 18th day of July, 2005.


Notary Public

My Commission Expires:

RUDINE J. DAVIS
Notary Public, Fulton County, Georgia
My Commission Expires May 16, 2006

EXHIBIT 1

Customer Service Record (CSR) Response Time (January 2005 - May 2005)

CSR Response Interval	Number of CSRs	Percentage of Total CSRs
No Response	796	6.5%
Less than 1 day	4502	36.7%
1-2 days	3066	25.0%
3-4 days	2147	17.5%
5-6 days	1093	8.9%
7-10 days	451	3.7%
11-15 days	152	1.2%
16-20 days	28	0.2%
21-44 days	43	0.3%
TOTAL	12,278	100%

¹ The CSR response interval is the number of calendar days between the time when BellSouth submitted a CSR request to an Old LSP and BellSouth received CSR information from the Old LSP.

Local Service Request (LSR) Response Time
(January 2005 - May 2005)

LSR Response Interval	Number of LSRs	Percent of Total LSRs	Number of Customer Lines
Less than 1 day	2,468	14.1%	4,878
1-2 days	8,028	46.0%	18,393
3-4 days	3,610	20.7%	8,385
5-6 days	1,622	9.3%	5,722
7-10 days	1,082	6.2%	4,285
11-15 days	422	2.4%	1,890
16-20 days	142	0.8%	636
21-31 days	87	0.5%	899
TOTAL	17,461	100%	45,088

² The LSR response interval is the number of calendar days between the time when BellSouth submitted an LSR to an Old LSP and BellSouth received a response from the Old LSP.

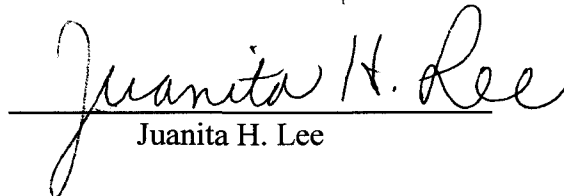
³ The number of customer lines is the number of telephone numbers provisioned on BellSouth's Network for end-user customers that changed their local service to BellSouth from a former local service provider.

CERTIFICATE OF SERVICE

I do hereby certify that I have this 18th day of July 2005 served a copy of the foregoing
COMMENTS OF BELL SOUTH CORPORATION by electronic filing addressed to the
parties listed below.

Marlene H. Dortch
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Juanita H. Lee